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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/877,414 | 06/08/2001 | Bryan Buus | XORI 002/00US | 7709 |

22862 7590 01/30/2006

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

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| EXAMINER |
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PWU, JEFFREY C

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| ART UNIT | PAPER NUMBER |
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2143

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 09/877,414 | | BUUS ET AL. | |
| | Examiner | | Art Unit | |
| | Jeffrey C. Pwu | | 2143 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/10/06 RCE/Amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/10/05 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is vague and indefinite of the limitation "a first modified format thereby creating modified data" it is unclear what format is it being modified or what is modifying the formatted data.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Eicher, JR. et al. (U.S. 2002/009578).

Eicher, JR. et al. teach claims:

1. A system for monitoring business performance (Title – “Performance-Based Supply Chain Maintenance System and Method with Automatic Alert Threshold Determination”) indicators in a networked environment, comprising:

a data source having a predefined format; (paragraph [0011])

an agent (“adapter” or “agent”–see paragraph [0053], [0054], [0091], and [0108])

communicatively coupled to the data source, wherein the agent is configured according to the data source format and wherein the agent takes input data from the data source and translates the data into a first modified format thereby creating modified data;

a reaper (“data collection module” – see paragraph [0029]) communicatively coupled to the agent and configured to retrieve the modified data from the agent;

a data repository (28 – “data storage system”)communicatively coupled to the reaper and configured to store the modified data;

an alert detector (76 – “alert module”) communicatively coupled to the data repository and configured to compare the modified data with a first configuration parameter; and

a dashboard controller (12 – “supply chain management performance management server”) communicatively coupled to the data repository and configured to display the modified data in a format defined by a second configuration parameter.

2. The system of claim 1, further comprising an agent polling configuration file communicatively coupled to the reaper and configured to store a data polling schedule and provide the data polling schedule to the reaper. (paragraph [0130], [0131], [0135], [0172], [0199])

3. The system of claim 1, further comprising an alert configuration file communicatively coupled to the alert detector and adapted to store the first configuration parameter. (paragraph [0053], [0054], [0091], and [0108])

4. The system of claim 1, further comprising a visual configuration file communicatively coupled to the dashboard controller and adapted to store the second configuration parameter. (12)

5. The system of claim 1, wherein the dashboard controller comprises an interface for translating the modified data into a user-readable format. (paragraph [0062], [0153])

6. The system of claim 5, wherein the dashboard controller further comprises a memory cache. (paragraph [0109])

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7. The system of claim 1, wherein the dashboard controller comprises a plurality of interfaces for translating the modified data into a plurality of user-readable formats. (paragraph [0062], [0153])

8. The system of claim 1, further comprising a display device communicatively coupled to the dashboard controller and adapted to present the modified data in a user-readable format.

(paragraph [0062], [0153])

9. The system of claim 8, wherein the user-readable format is Hyper-Text Markup Language.

(paragraph [0118])

10. The system of claim 8, wherein the user-readable format is Wireless Markup Language.

(paragraph [0056])

11. The system of claim 8, wherein the display device is a monitor. (74)

12. The system of claim 8, wherein the display device is a cellular phone. (paragraph [0056])

13. The system of claim 8, wherein the display device is a pager. (paragraph [0056])

14. The system of claim 1, further comprising a VoiceXML interface communicatively coupled with the dashboard controller. (pXML, paragraph [0059])

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15. The system of claim 1, wherein the data source is a proprietary data source. (paragraph [0079])

16. The system of claim 1, wherein the data source is a legacy data source. (paragraph [0079])

17. The system of claim 1, wherein the data source is a third-party application. (paragraph [0079])

18. The system of claim 1, wherein the data source resides on a local area network. (fig.2)

19. The system of claim 1, wherein the data source resides on a wide area network. (Internet, fig.2)

20. The system of claim 1, wherein the data source is accessible through the Internet. (Internet, fig.2)

21. The system of claim 1, wherein the reaper is in two way communication with the agent. paragraph [0053], [0054], [0091], and [0108])

22. The system of claim 1, wherein the alert detector is adapted to send a notification based on the comparison between the modified data and the first configuration parameter. (paragraph [0053], [0054], [0091], and [0108])

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23. The system of claim 22, wherein the notification is sent via an email message. (paragraph [0056])

24. The system of claim 22, wherein the notification is sent via a pager message. (paragraph [0056])

25. The system of claim 22, wherein the notification is sent via an SNMP trap. (paragraph [0056])

26. The system of claim 22, wherein the notification is sent via an internet browser alert. (paragraph [0056])

27. The system of claim 1, wherein the networked environment is an electronic commerce system. (fig.3)

28. A system for monitoring business performance indicators in a networked environment, comprising: a data source having a predefined format; an agent communicatively coupled to the data source, wherein the agent is configured according to the data source format and wherein the agent takes input data from the data source and translates the data into a first modified format thereby creating modified data; a reaper communicatively coupled to the agent and configured to retrieve the modified data from the agent; a repository manager communicatively coupled to the reaper; a data repository communicatively coupled to the repository manager; an alert detector communicatively coupled to the repository manager; and a dashboard controller

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communicatively coupled to the repository manager. (claim 28 is similarly rejected as in claim 1)

29. The system of claim 28, wherein the repository manager includes a cache, and wherein the repository manager is configured to manage the storage of the modified data within the data repository. (28)

30. The system of claim 28, further comprising an alert detector communicatively coupled to the repository manager and configured to compare the modified data with a first configuration parameter. (76 – “alert module”)

31. The system of claim 28, wherein the repository manager is in two way communication with the reaper. (claim 31 is similarly rejected as in claim 1-26)

32. The system of claim 28, wherein the data repository is in two way communication with the repository manager. (claim 32 is similarly rejected as in claim 1-26)

33. The system of claim 28, wherein the alert detector is in two way communication with the repository manager. (claim 31 is similarly rejected as in claim 1-26)

34. The system of claim 28, wherein the dashboard controller is in two way communication with the repository manager. (claim 34 is similarly rejected as in claim 1-26)

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35. A system for monitoring a plurality of business metrics in a networked environment, comprising: a plurality of data sources, wherein each of the plurality of data sources has a predefined format; a plurality of agents, wherein each of the plurality of agents is communicatively coupled to one of the plurality of data sources, wherein each of the plurality of agents is configured according to the predefined format of the corresponding data source, and wherein each of the plurality of agents takes input data from the corresponding data source and translates the data into a first modified format thereby creating modified data; and a reaper communicatively coupled to each of the plurality of agents and configured to retrieve the modified data from each of the plurality of agents. (claim 35 is similarly rejected as in claim 1)

36. The system of claim 35, further comprising a dashboard controller communicatively coupled to the reaper and configured to display the modified data in a format defined by a configuration parameter. (claim 36 is similarly rejected as in claim 1-26)

37. A method for monitoring a business metric in a networked environment, comprising: coupling to a data source having a known format, wherein the data source includes data that represents the business metric; configuring an agent according to the data source format; taking input data from the data source via the agent; translating the data into a first modified format; storing the modified data in a data repository; comparing the modified data with an alert parameter range; displaying the modified data in a format defined by a second configuration parameter; determining whether the modified data falls within the alert parameter range; and producing an alert if the modified data falls within the alert parameter range. (claim 37 is

similarly rejected as in claim 1)

38. The method of claim 37, wherein the data source is a third party application accessible through a URL address. (paragraph [0119])

39. The method of claim 37, further comprising interfacing with a display device, wherein displaying the modified data in a format defined by a second configuration parameter is implemented on the display device. (claim 39 is similarly rejected as in claim 1-26)

40. The method of claim 39, wherein the display device is a cell phone. (claim 40 is similarly rejected as in claim 1-26)

41. The method of claim 39, wherein the display device is a pager. (claim 41 is similarly rejected as in claim 1-26)

42. The method of claim 39, wherein the display device is a personal computer monitor. (display monitor)

43. A computer-readable medium having computer-executable instructions for performing a method of: coupling to a data source having a known format, wherein the data source includes data that represents the business metric; configuring an agent according to the data source format; taking input data from the data source via the agent; translating the data into a first

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modified format; storing the modified data in a data repository; comparing the modified data with an alert parameter range; displaying the modified data in a format defined by a second configuration parameter; determining whether the modified data falls within the alert parameter range; and producing an alert if the modified data falls within the alert parameter range. (claim 43 is similarly rejected as in claim 1)

44. A method for monitoring a business metric in a networked environment, comprising: means for coupling to a data source having a known format, wherein the data source includes data that represents the business metric; means for configuring an agent according to the data source format; means for taking input data from the data source via the agent; means for translating the data into a first modified format; means for storing the modified data in a data repository; means for comparing the modified data with an alert parameter range; means for displaying the modified data in a format defined by a second configuration parameter; means for determining whether the modified data falls within the alert parameter range; and means for producing an alert if the modified data falls within the alert parameter range. (claim 44 is similarly rejected as in claim 1)

45. A system for monitoring a business metric in a networked environment, comprising: a processor; a data storage device; and an instruction set residing on the data storage device, wherein the instruction set is configured to perform a method, the method comprising coupling to a data source having a known format, wherein the data source includes data that represents the business metric; configuring an agent according to the data source format; taking input data from

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the data source via the agent; translating the data into a first modified format; storing the modified data in a data repository; comparing the modified data with an alert parameter range; displaying the modified data in a format defined by a second configuration parameter; determining whether the modified data falls within the alert parameter range; and producing an alert if the modified data falls within the alert parameter range. (claim 45 is similarly rejected as in claim 1)

46. A system for monitoring business performance indicators in a networked environment, comprising:

- a data source having a predefined format;

- a collector communicatively coupled to the data source, wherein the collector is configured according to the data source format and wherein the collector takes input data from the data source and translates the data into a first modified format thereby creating modified data; a controller communicatively coupled to the collector and configured to retrieve the modified data from the collector;

- a storage device communicatively coupled to the controller and configured to store the modified data; an alert detector communicatively coupled to the storage device and configured to compare the modified data with a first configuration parameter; and a display interface communicatively coupled to the storage device and configured to display the modified data in a visual dashboard format defined by a second configuration parameter. (claim 46 is similarly rejected as in claim 1)

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47. A system for monitoring business performance indicators in a networked environment, comprising:

a collector adapted to communicatively coupled to a data source having a predetermined format, wherein the collector is configured according to the data source format and wherein the collector takes input data from the data source and translates the data into a first modified format thereby creating modified data;

a data manager communicatively coupled to the collector and configured to manage the input and output of the modified data between the collector and a data storage device, wherein the data manager is adapted to communicatively couple with an alert device; and

a display interface communicatively coupled to the data manager and configured to display the modified data in a format defined by a second configuration parameter. (claim 47 is similarly rejected as in claim 1)

Response to Arguments

1. Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



1/21/06

JEFFREY PWU
PRIMARY EXAMINER